

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/30/2024

-----	X	
	:	
PATRICK C. OBAH,	:	
	:	
Plaintiff,	:	1:23-cv-4997-GHW-SDA
	:	
-against-	:	<u>ORDER</u>
	:	
DEPARTMENT OF ADMINISTRATION FOR	:	
CHILDREN SERVICES, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

On May 2, 2024, Magistrate Judge Aaron issued a Report and Recommendation (“R&R”) recommending that the Court grant Defendants’ motion to dismiss, substitute the City of New York as Defendant in place of the Department of Administration for Children Services, and grant Plaintiff leave to amend his complaint. Dkt. No. 26. Plaintiff was mailed a copy of the R&R on May 3, 2024. In the R&R, Judge Aaron determined that Plaintiff failed to state a claim for discrimination under any of 42 U.S.C. § 1981, Title VII the Civil Rights Act of 1964, the New York State Human Rights Law, or the New York City Human Rights Law. *See* R&R at 15, 17, 20.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of the date of service of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). Because Plaintiff received service by mail, he was entitled to an additional three days, extending his deadline to submit any objections to seventeen days from the date on which he was mailed the order. Fed. R. Civ. P. 6(d). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*,

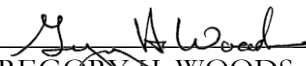
573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

No objection to the R&R was submitted within the seventeen-day window. The Court has reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court accepts and adopts the R&R in its entirety. For the reasons articulated in the R&R, Defendants’ motion to dismiss is GRANTED. Plaintiff is granted leave to amend his complaint to cure the deficiencies identified in the R&R. Plaintiff must file any amended complaint within 14 days of the date of service of this order.

The Clerk of Court is directed to mail a copy of this order to Plaintiff, substitute the City of New York for the Department of Administration for Children Services in the caption of this case, and terminate the motion pending at Dkt. No. 17.

SO ORDERED.

Dated: May 30, 2024



GREGORY H. WOODS
United States District Judge